

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1717  
OFFERED BY MR. LANGEVIN OF RHODE ISLAND**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. NATIONAL BIO- AND AGRO-DEFENSE FACILITY.**

2 (a) IN GENERAL.— Title III of the Homeland Secu-  
3 rity Act of 2002 (6. U.S.C. 181 et seq.) is amended by  
4 adding at the end the following new section:

**5 “SEC. 316. NATIONAL BIO- AND AGRO-DEFENSE FACILITY.**

6 “(a) ESTABLISHMENT.—There is in the Department  
7 a National Bio- and Agro-defense Facility (referred to in  
8 this section as the ‘NBAF’), which shall be headed by a  
9 Director who shall be appointed by the Secretary.

10 “(b) PURPOSES.—

11 “(1) IN GENERAL.—The NBAF shall be an in-  
12 tegrated foreign-animal and zoonotic disease re-  
13 search, development, testing, and evaluation facility,  
14 the purpose of which is to support the Department,  
15 the Department of Agriculture, and the Department  
16 of Health and Human Services in defending against  
17 the threat of potential acts of agroterrorism and  
18 natural-occurring incidents related to agriculture

1 with the potential to adversely impact animal health,  
2 public health, and the economy, or may otherwise  
3 impact homeland security.

4 “(2) KNOWLEDGE PRODUCTION AND SHAR-  
5 ING.—The NBAF shall produce and share knowl-  
6 edge and technology for the purpose of protecting  
7 animal health and public health and reducing eco-  
8 nomic losses caused by foreign-animal, zoonotic, and,  
9 as appropriate, endemic animal diseases of livestock  
10 and poultry.

11 “(c) RESPONSIBILITIES.—The Secretary, acting  
12 through the Director, shall—

13 “(1) manage, operate, and maintain the NBAF;

14 “(2) establish priorities and develop a joint  
15 strategy with the Secretary of Agriculture for for-  
16 eign animal disease, including foot and mouth dis-  
17 ease, and zoonotic disease research, development,  
18 testing, and evaluation, and diagnostic activities un-  
19 dertaken at the NBAF, including—

20 “(A) developing countermeasures for for-  
21 eign-animal, zoonotic, and, as appropriate,  
22 other endemic animal diseases, including  
23 diagnostics, vaccines and therapeutics;

24 “(B) providing advanced test and evalua-  
25 tion capability for threat detection, vulner-

1 ability, and countermeasure assessment for for-  
2 eign-animal, zoonotic, and, as appropriate, en-  
3 demic animal diseases;

4 “(C) conducting animal model development  
5 and testing and evaluation under the Food and  
6 Drug Administration’s Animal Rule as defined  
7 in parts 314 and 601 of title 22, Code of Fed-  
8 eral Regulations, to support the development of  
9 human medical countermeasures by the Depart-  
10 ment of Human Services under the Public  
11 Health Service Act (42 U.S.C. 201 et seq);

12 “(D) establishing for the NBAF informa-  
13 tion-sharing mechanisms or using existing in-  
14 formation-sharing mechanisms of the Depart-  
15 ment of Agriculture to share information with  
16 relevant stakeholders, including the National  
17 Animal Health Laboratory Network; and

18 “(E) identifying and promoting uniform  
19 national standards for animal disease  
20 diagnostics;

21 “(3) implement the Department’s responsibil-  
22 ities at the NBAF with respect to the strategy devel-  
23 oped under paragraph (2);

24 “(4) facilitate the coordination of Federal,  
25 State, and local governmental research and develop-

1       ment efforts and resources relating to protecting  
2       animal health and public health from foreign-animal,  
3       zoonotic, and, as appropriate, other endemic animal  
4       diseases;

5               “(5) develop an emergency response plan under  
6       which emergency response providers in the sur-  
7       rounding community are sufficiently prepared and  
8       trained to respond effectively and given sufficient  
9       notice to allow for an effective response;

10              “(6) ensure NBAF site and facility security;

11              “(7) provide training to research and technical  
12       staff at the NBAF to equip them with the requisite  
13       skills and expertise necessary to contribute to and  
14       carry out operations at the NBAF; and

15              “(8) leverage the expertise of academic institu-  
16       tions, food, agriculture, and other industries, the De-  
17       partment of Energy National Laboratories, State  
18       and local governmental resources, and professional  
19       organizations involved in veterinary, medical and  
20       public health, and agriculture issues to carry out ac-  
21       tivities described in paragraph (2).

22              “(d) REQUIREMENTS.—The Secretary, in designing  
23       and constructing the NBAF, shall ensure that the facility  
24       meets the following requirements:

1           “(1) The NBAF shall consist of state-of-the-art  
2           biocontainment laboratories capable of performing  
3           research and activities at Biosafety Level 3 and 4.

4           “(2) The NBAF shall be of sufficient size in  
5           terms of acreage and laboratory capacity and shall  
6           be accessible to supporting infrastructure to enable  
7           the Secretary to carry out the responsibilities under  
8           subsection (c).

9           “(3) The NBAF shall be located at a site that  
10          has been subject to an Environmental Impact State-  
11          ment under the National Environmental Policy Act  
12          of 1969.

13          “(e) AUTHORIZATION TO PROCURE REAL PROPERTY  
14          AND ACCEPT IN KIND DONATIONS FOR THE NBAF  
15          SITE.—The Secretary may acquire real property for the  
16          NBAF through purchase or donation and may accept and  
17          use in-kind donations of personal property, laboratory and  
18          office space, utility services, and infrastructure upgrades  
19          to carry out the purposes of this section.

20          “(f) LIVE VIRUS OF FOOT AND MOUTH DISEASE RE-  
21          SEARCH.—The Secretary shall enable the study of live  
22          virus of foot and mouth disease at the NBAF, wherever  
23          it is sited, in accordance with the Agricultural Bioter-  
24          rorism Protection Act of 2002 (7 U.S.C. 8401 note), not-  
25          withstanding section 113a of title 21, United States Code,

1 or any other provision of law that limits the study of the  
2 live virus of foot and mouth disease on the mainland of  
3 the United States.

4 “(g) COORDINATION.—

5 “(1) INTERAGENCY AGREEMENTS.—

6 “(A) IN GENERAL.—The Secretary shall  
7 seek to enter into understandings or agree-  
8 ments with the heads of appropriate Federal  
9 departments and agencies, including the Sec-  
10 retary of Agriculture and the Secretary of  
11 Health and Human Services, or shall use exist-  
12 ing understandings or agreements, to define the  
13 respective roles and responsibilities of each De-  
14 partment in carrying out foreign-animal,  
15 zoonotic, and endemic animal disease research  
16 and development at the NBAF to protect public  
17 health and animal health.

18 “(B) DEPARTMENT OF AGRICULTURE.—At  
19 least one of the understandings or agreements  
20 referred to in subparagraph (A) between the  
21 Secretary and the Secretary of Agriculture shall  
22 include a provision describing research, develop-  
23 ment, testing, and evaluation programs and  
24 functions of the Department of Agriculture and  
25 the Department of Homeland Security, includ-

1           ing those research programs and functions to  
2           be transferred from the Plum Island Animal  
3           Disease Center to the NBAF.

4           “(C) DEPARTMENT OF HEALTH AND  
5           HUMAN SERVICES.—At least one of the under-  
6           standings or agreements referred to in subpara-  
7           graph (A) between the Secretary and the Sec-  
8           retary of Health and Human Services shall de-  
9           scribe research, development, testing, and eval-  
10          uation programs of the Department of Health  
11          and Human Services that relate to work con-  
12          ducted at the NBAF.

13          “(2) COOPERATIVE RELATIONSHIPS.—The Sec-  
14          retary, in coordination with the Secretary of Agri-  
15          culture, shall form cooperative relationships with the  
16          National Animal Health Laboratory Network and  
17          American Association of Veterinary Laboratory Di-  
18          agnosticians to connect with the network of Federal  
19          and State resources intended to enable an inte-  
20          grated, rapid, and sufficient response to animal  
21          health emergencies.

22          “(h) NBAF ADVISORY COMMITTEE.—

23          “(1) ESTABLISHMENT.—The Secretary, in co-  
24          ordination with the Secretary of Agriculture and, as  
25          appropriate, the Secretary of Health and Human

1 Services, shall establish the National Bio- and Agro-  
2 Defense Advisory Committee (referred to in this sec-  
3 tion as the ‘Advisory Committee’) to provide expert  
4 advice and guidance on the priorities and the strat-  
5 egy referred to in subsection (c)(1) for research, de-  
6 velopment, testing, and evaluation activities under-  
7 taken at the NBAF relating the foreign animal,  
8 zoonotic, and, as appropriate, endemic animal dis-  
9 eases, and on other NBAF related matters identified  
10 by the Secretary.

11 “(2) MEMBERSHIP.—The members of the Advi-  
12 sory Committee shall be individuals selected by the  
13 Secretary in coordination with the Secretary of Agri-  
14 culture, who represent the Nation’s leading experts  
15 on foreign animal and zoonotic disease, public  
16 health, and countermeasure research and develop-  
17 ment. Such individuals will be selected from Federal  
18 and State governments, academia, and private in-  
19 dustry, and shall include relevant stakeholders from  
20 the food, agriculture, and pharmaceutical industries.

21 “(3) EXEMPTION FROM FEDERAL ADVISORY  
22 COMMITTEE ACT.—Section 14 of the Federal Advi-  
23 sory Committee Act (5 U.S.C. App.) shall not apply  
24 to the Advisory Committee.

1           “(4) TERMINATION.—The Advisory Committee  
2           shall terminate five years after the date on which  
3           the NBAF becomes operational.

4           “(i) RELATIONSHIP TO OTHER DEPARTMENTS AND  
5 AGENCIES.—The authority of the Secretary under this  
6 section shall not affect any authority or responsibility of  
7 any other Federal department or agency with respect to  
8 any program administered by that department or agency,  
9 notwithstanding subsection (f), unless otherwise agreed to  
10 in an understanding or agreement referred to in sub-  
11 section (g)(1).”.

12           (b) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of such Act is amended by adding at the  
14 end of the items relating to title III the following:

“Sec. 316. National Bio- and Agro-defense Facility.”.

Amend the title so as to read: “To amend the  
Homeland Security Act of 2002 to establish a National  
Bio- and Agro-defense Facility”.